

54. PROCUREMENT CONTRACTS FOR THE SERVICES OF INDIVIDUALS

a. **POLICY.** Procurement contracts whose basic purpose is to obtain the services of one or more individuals, negotiated with profit and nonprofit institutions, associations, partnerships, proprietorships, and other organizations, are permitted only when the particular services sought cannot be obtained in any other practicable way.

b. PROCEDURES

(1) Except as provided in subparagraph b(3) below, all proposals for such procurement contracts and their renewal must be justified in writing by the component seeking the services and be submitted to the Director of Personnel for his approval before commitments are made or negotiations started. These proposals will describe in some detail the services to be rendered, the qualifications required, the proposed duration of the task, and the reason or reasons why a procurement contract is judged to be the best method of acquiring the needed services.

(2) The Director of Personnel will ascertain whether any staff or nonstaff personnel are available to perform the needed services. If not, he will examine the feasibility of satisfying the requirement by hiring new personnel. If this latter course of action also proves impracticable, the Director of Personnel will approve the proposal and return it either to the Office of Logistics or to the originator for subsequent submission of a contract request to the appropriate procurement unit. Procurement contracts are written under the authority of the Director of Logistics as stated in [REDACTED]

(3) The approval of the Director of Personnel is not required

(a) for procurement contracts involving the services of individuals incidental to research and development or the preparation of studies or reports, where the fee reflects an end product (a report written, a task performed, etc.) rather than a computation based mainly on time (per hour, per man year);

(b) for procurement contracts involving the purchase of equipment which requires the services of experts or technicians in delivery, installation, testing, initial operation or maintenance, training, etc. However, any follow-on contract for services only—such as maintenance or operation—requires the Director of Personnel's prior approval as set forth above.

c. RESTRICTIONS

(1) Operating Officials are responsible for monitoring all personnel acquired through these procedures. They will ensure that such personnel are properly briefed and thoroughly understand any limitations on their access to Agency information and buildings and other pertinent security restrictions. Operating Officials are required to advise appropriate offices at any time the relationship or use of such individuals is subject to a change which affects the terms of their contractual arrangements, their status, or security clearances.

(2) Technical representatives and other types of personnel engaged under procurement contracts or other agreements which do not create a direct employer-employee relationship are prohibited by law from holding formal organizational positions or positions requiring the exercise of any administrative authority. They are also prohibited from formally representing the Agency in meetings with representatives of other Government agencies, private industry, or foreign governments or industries.